

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 16-56057; 16-56287

SKIDMORE ET AL.

*Michael Skidmore, Trustee for the
Randy Craig Wolfe Trust
Plaintiff-Appellant/Cross Appellee*
v.

LED ZEPPELIN *ET AL.*

Defendants-Appellees

and

WARNER/CHAPPELL MUSIC, INC.

Defendant, Cross Appellant

APPELLANT SKIDMORE'S UNOPPOSED MOTION FOR EXTENSION TO FILE
PETITION FOR PANEL REHEARING AND REHEARING EN BANC

(Music copyright infringement, on appeal from the final Order dated June 23, 2016
of the Honorable R. Gary Klausner, of the United States District Court for the
Central District of California. The case was docketed in the Central District at 15-
cv-03462)

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Plaintiff Michael Skidmore (Appellant and Cross-Appellee), as Trustee for the Randy Craig Wolfe Trust (“Skidmore” or “Plaintiff”), respectfully seeks leave of Court to extend for two-weeks the amount of time to file a petition for a panel rehearing and rehearing *en banc*. On September 28, 2018, this Circuit reversed in part, affirmed in part the lower court’s judgment. Petitions for panel rehearing and rehearing *en banc* are currently due on October 12, 2018.

Good cause for this extension exists because Appellant’s counsel has trial beginning on October 5, 2018, and lasting until October 12, 2018, in the Philadelphia Court of Common Pleas. Due to this conflict, Appellant’s counsel has had no time to adequately consider the issues raised by this Circuit’s opinion before the petition deadline. Thus, Appellant seeks a short extension of two weeks.

Pursuant to the Circuit Advisory Committee Note to Rule 27-1, counsel for the Plaintiff-Appellant informed opposing counsel of its intent to file this Motion on October 3, 2018, and counsel for Defendant-Appellees responded that they do not oppose this request. Appellees have similarly requested a two-week extension which Appellant is not opposing.

Respectfully submitted,

/s/ Francis Malofiy

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October 4, 2018

CERTIFICATE OF FILING AND SERVICE

Counsel was served via CM/ECF which constitutes service, pursuant to Fed. R. App. P. 25(c)(2) and Ninth Circuit Rule 25-5(g), to all registered CM/ECF users:

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Respectfully submitted,

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DECLARATION OF FRANCIS MALOFIY

I, Francis Malofiy, attorney for Plaintiff Michael Skidmore (Appellant and Cross-Appellee), as Trustee for the Randy Craig Wolfe Trust, declare and state that I have personal knowledge of the facts recited below:

1. Petitions for a panel rehearing and rehearing *en banc* are due in this case on October 12, 2018, fourteen days after the September 28, 2018 opinion of this Circuit reversing the lower court in part and affirming in part.

2. However, Appellant Michael Skidmore's counsel is attached to trial in the Philadelphia Court of Common Pleas from October 5, 2018, to October 12, 2018. As a result, counsel has had no time to consider the issues raised by the Opinion, no time to consider whether to file for a petition for rehearing, and no time to brief the issues.

3. Appellant's counsel therefore respectfully requests a two-week extension, until October 26, 2018, from this Circuit to file a petition for panel rehearing and rehearing *en banc*.

4. Appellant's counsel has reached out to appellees' counsel Peter Anderson who has represented that he does not oppose this request. Mr. Anderson has already filed a similar request for a fourteen-day extension, which Plaintiff is not opposing.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th, Day of October 2018, in Media, Pennsylvania.

Respectfully submitted,

/s/ Francis Malofiy

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